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Attorneys for Defendant
ABBOTT LABORATORIES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

19 SAFEWAY INC., *et al*,) Case No. C07-5470 (CW)
20 Plaintiffs,) Related per November 19, 2007 Order to
21 v.) Case No. C04-1511 (CW)
22 ABBOTT LABORATORIES,) **STIPULATION RE DEPOSITION OF**
23 Defendant.) **TRIAL WITNESSES NOT DEPOSED AND**
24) **EXPERT DEMONSTRATIVES**
25)

26 *(Caption continued on next page.)*
27

28 STIPULATION RE DEPOSITION OF TRIAL WITNESSES NOT DEPOSED AND EXPERT DEMONSTRATIVES
CASE NOS. C07-5470, C07-5702, C07-5985, C07-6012 (CW)

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SMITHKLINE BEECHAM CORPORATION)
d/b/a GLAXOSMITHKLINE,)
Plaintiff,)
v.)
ABBOTT LABORATORIES,)
Defendant.)

Case No. C07-5702 (CW)
(Consolidated Cases)
Related per November 19, 2007 Order to
Case No. C04-1511 (CW)

MEIJER, INC. & MEIJER DISTRIBUTION,)
INC., *et al.*,)
Plaintiffs,)
v.)
ABBOTT LABORATORIES,)
Defendant.)

Case No. C07-5985 (CW)
(Consolidated Cases)
Related per November 30, 2007 Order to
Case No. C04-1511 (CW)

RITE AID CORPORATION, *et al.*,)
Plaintiffs,)
v.)
ABBOTT LABORATORIES,)
Defendant.)

Case No. 07-6120 (CW)
Related per December 5, 2007 Order to
Case No. C04-1511 (CW)

1 WHEREAS, the parties are engaged in discovery in the consolidated cases of *Safeway, et al.*,
2 *v. Abbott Laboratories* (No. 07-5470), *Smithkline Beechem Corp. d/b/a Glaxosmithkline v. Abbott*
3 *Laboratories* (No. 07-5702), *Meijer, Inc. & Meijer Distribution, Inc., et al. v. Abbott Laboratories*
4 (No. 07-5985), and *Rite Aid Corp., et al., v. Abbott Laboratories* (No. 07-6120);

5 WHEREAS, the parties have cooperated with one another to narrow the scope of fact and
6 expert discovery in these cases;

7 WHEREAS, during fact discovery, the parties identified those witnesses disclosed in
8 discovery responses who are likely to be deposed at trial and focused deposition discovery on these
9 witnesses to avoid taking unnecessary depositions; and

10 WHEREAS, during expert discovery, the parties agreed to reserve for a later date the
11 exchange of expert demonstrative exhibits.

12 **IT IS HEREBY STIPULATED AND AGREED:**

13 1. If any party includes a witness on a trial witness list (due under the current schedule
14 on January 25, 2011), who was not previously deposed in these cases, that witness will be made
15 available for five hours of deposition testimony within one week of the disclosure (or some other
16 date if agreed by all parties), even though the fact discovery cutoff has passed.

17 2. Demonstrative exhibits to be used with experts during trial shall be disclosed pursuant
18 to the demonstrative exhibits deadline in Judge Wilken's standing orders (due under the current
19 schedule on January 28, 2011), or by further written agreement of the parties. The parties reserve
20 the right to challenge expert demonstrative exhibits on grounds unrelated to this stipulation –
21 including the ground that the subject matter of a demonstrative exhibit was not adequately disclosed
22 in the expert reports.

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

2 /s/ Scott E. Perwin

/s/ Stephanie S. McCallum

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/s/ Stuart E. DesRoches

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*Direct Purchaser Class
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PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 3/25/2010



Judge Claudia Wilken
United States District Court
Northern District of California

1 **GENERAL ORDER 45 ATTESTATION**

2 I, Stephanie S. McCallum, am the ECF User whose ID and password was used to file this
3 STIPULATION RE DEPOSITION OF TRIAL WITNESSES NOT DEPOSED AND EXPERT
4 DEMONSTRATIVES. In compliance with General Order 45, X.B., I hereby attest that the above
5 counsel, counsel for Plaintiffs, concurred in this filing.

6
7 Dated: March 22, 2010

/s/ Stephanie S. McCallum

8 _____
9 Stephanie S. McCallum
10 WINSTON & STRAWN LLP
11 Counsel for Defendant

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